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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,398	02/21/2002	Zheng Haihong	50072.8US01	1573
38879	7590	08/07/2006	EXAMINER	
DARBY & DARBY P.C.			HAN, CLEMENCE S	
P.O. BOX 5257			ART UNIT	
NEW YORK, NY 10150-6257			PAPER NUMBER	
			2616	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/081,398	Applicant(s) HAIHONG, ZHENG	
	Examiner Clemence Han	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 13-17 and 19-24 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 7-9 and 25 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5, 6 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 1, 4, 7-9 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goguen et al. (US 6,665,273) in view of Reeves et al. (US Pub. 2002/0080794).

Regarding to claim 1 and 25, Goguen teaches a method for reserving resources for at least one flow of packets on a Multi-Protocol Label Switching (MPLS) based path in a network: (a) identifying at least one flow of packets from a connection to a destination, wherein at least one flow of packets is associated with a required resource for forwarding each packet in at least one flow towards the destination over the network (Column 2 Line 26-32); (c) employing a second type of message to reserve the required resource at each router along the LSP for at least one flow of packets from the connection (Column 2 Line 32-33); and (d) when a new resource is required for at least one flow of packets from the connection, employing the second type of message to reserve the newly required resource at each router that employs an enhanced MPLS (EMPLS) protocol (the improved MPLS in Column 5 Line 22) and is disposed along the existing LSP (Column 8

Line 1-6). Goguen, however, does not teach (b) employing a first type of message to establish a Label Switching Path (LSP) in the network for at least one flow from the connection towards the destination; wherein the LSP is established from an ingress router to an egress router in the network; wherein a new path is established by the first type of message for that portion of the existing LSP that includes a router that employs an MPLS protocol, instead of a router that employs the EMPLS protocol. Reeves teaches (b) employing a first type of message to establish a Label Switching Path (LSP) in the network for at least one flow from the connection towards the destination; wherein the LSP is established from an ingress router to an egress router in the network; wherein a new path is established by the first type of message for that portion of the existing LSP that includes a router that employs an MPLS protocol, instead of a router that employs the EMPLS protocol [0038]. It would have been obvious to one skilled in the art to modify Goguen to use routers employing MPLS protocol as taught by Reeves in order to increase compatibility.

Regarding to claim 4, Reeves teaches determining that the packets in a flow have the same forwarding equivalence class (FEC) [0038].

Regarding to claim 7, Reeves teaches tearing down the existing LSP when at least one flow of packets from the connection is stopped [0128].

Regarding to claim 8, Reeves teaches tearing down the existing LSP when the connection is closed [0050].

Regarding to claim 9, Reeves teaches the first type of message is at least one of an RSVP message or a Label Distribution Protocol (LDP) message [0057].

Response to Arguments

3. Applicant's arguments with respect to claim 1-11, 13-17 and 19-25 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claim 11, 13-17 and 19-24 are allowed.

5. Claim 2, 3, 5, 6 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to the invention in general.

U.S. Patent 7,031,307 to Kon et al.

U.S. Pub. 2002/0071389 to Seo

U.S. Pub. 2002/0087699 to Karagiannis et al.

U.S. Pub. 2003/0026271 to Erb et al.

U.S. Pub. 2003/0137532 to Proulx et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clemence Han whose telephone number is (571) 272-3158. The examiner can normally be reached on Monday-Thursday 7 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

C. H.

Clemence Han
Examiner
Art Unit 2616



HUY D. VU
SUPERVISORY PATENT EXAMINER
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